

Message Text

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TO SECSTATE WASHDC 707

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US MISSION GENEVA 614

US MISSION USEC BRUSSELS 966

AMCONSUL BARCELONA

C O N F I D E N T I A L SECTION 1 OF 2 MADRID 7980

E.O. 11652: GDS

TAGS: PFOR, PINT, ELAB, SP

SUBJ: ALLEGATIONS OF TORTURE RE SEPT 13 BOMBING DETAINEES

REF: DEPTEL 271390, MADRID 7873, MADRID 5791, MADRID 7299

BEGIN SUMMARY: 17 MEN AND WOMEN REMAIN IN JAIL IN CONNECTION SEPT 13 BOMBING, FIVE OF WHOM ARE MARRIED COUPLES. THEY INCLUDE EXTREMIST LEFTIST INTELLECTUALS SUCH AS PLAYWRIGHT ALFONSO SASTRE, HIS WIFE DR. GENOVEVA FORREST, AND LAWYER AND FEMINIST LYDIA FALCON. THEY ARE AWAITING A COURT-MARTIAL CHARGED WITH TERRORISM FOR ALLEGED COMPLICITY IN THE BOMBING. IT IS NOT KNOWN WHEN COURT-MARTIAL WILL BE HELD ALTHOUGH EARLIEST ESTIMATE IS MARCH OR APRIL. TORTURE OF SOME OF THOSE ARRESTED AT HANDS OF POLICE HAS BEEN ALLEGED DURING INITIAL PERIOD

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OF DETENTION WHEN DETAINEES WERE HELD INCOMMUNICADO,

ALTHOUGH AUTHORITIES FIRMLY DENY THESE ALLEGATIONS. INTERNATIONAL PROTEST MOVEMENT NOW GATHERING STEAM, AND COURT-MARTIAL, WHEN AND IF HELD, COULD HAVE MAGNITUDE 1973 "CARABANCHEL TEN" TRIAL OR EVEN POSSIBLY OF 1970 BURGOS TRIAL. MANY ASPECTS OF CASE ARE UNCLEAR, INCLUDING BASIS FOR GOVERNMENT'S ALLEGATIONS THAT THOSE DETAINED ARE TIED IN WITH BOTH PCE AND ETA. TWO OF DETAINEES ARE ALSO ALLEGED TO HAVE BEEN INVOLVED IN 1973 CARRERO BLANCO ASSASSINATION. END. SUMMARY.

1. FOLLOWING SEPTEMBER 13 BOMBING CROWDED DOWNTOWN MADRID RESTAURANT NEXT TO POLICE DGS HEADQUARTERS, IN WHICH 12 PERSONS WERE KILLED AND ANOTHER 69 INJURED, VARIOUS PERSONS SUSPECTED OF COMPLICITY WERE SUBSEQUENTLY ARRESTED. SEVENTEEN MEN AND WOMEN, SOME OF WHOM ARE PROMINENT IN THE INTELLECTUAL COMMUNITY AND MOST OF WHOM ARE REPORTEDLY RADICAL LEFTISTS, REMAIN IN JAIL AND WILL EVENTUALLY FACE COURT-MARTIAL FOR THEIR ALLEGED INVOLVEMENT.

2. AT SEPTEMBER 23 PRESS CONFERENCE, CHIEF OF SOCIAL INVESTIGATIONS BRIGADE OF DGS, JOSE SAINZ, ANNOUNCED DETENTION OF FOLLOWING EIGHT PERSONS; (A) DR. GENOVEVA FOREST TARRAT, PHYSICIAN WIFE OF NOTED PLAYWRIGHT ALFONSO SASTRE; (B) ANTONIO DURAN VELASCO, WORKER ACTIVE IN WORKERS COMMISSIONS; (C) ELISEO BAYO POBLADOR, BARCELONA LAWYER; (D) LYDIA FALCON O'NEILL, WIFE OF ELISEO BAYO AND ALSO A LAWYER; (E) VICENTE SAINZ DE LA PENA, THEATRE DIRECTOR; (F) MARIA PAZ BALLESTEROS, ACTRESS WIFE OF SAINZ DE LA PENA; (G) BERNARDO VADELL CARRERAS, COMMERCIAL AIRLINE PILOT; AND (H) CARMEN NADAL CESTARD, WIFE OF VADELL CARRERO.

3. SUBSEQUENTLY, NINE ADDITIONAL PERSONS HAVE ALSO REPORTEDLY BEEN ARRESTED, INCLUDING (A) PLAYWRIGHT ALFONSO SASTRE; (B) REMEDIOS PEREZ LOPEZ, WIFE OF WORKER ANTONIO DURAN; (C) MARIA LUZ FERNANDEZ ALVAREZ, LOCAL EMPLOYEE AND LIBRARIAN AT CUBAN EMBASSY IN MADRID; (D) UNIVERSITY STUDENT EDUARDO CONFIDENTIAL

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SANCHEZ GASTELL, AND (F) ROSALIA LOPEZ PEDRET, MALLORCAN HOUSEWIFE.

4. POLICE SPOKESMAN SAINZ HAS IN DIFFERENT PRESS CONFERENCES GIVEN THE AUTHORITIES' VERSION OF EVENTS CONNECTED WITH THE BOMBING BASED ON CONTINUING POLICE INVESTIGATION, CLAIMING BOMB WAS ACTUALLY PLACED BY YOUNG MAN AND WOMAN WHO ARE MILITANTS

OF BASQUE TERRORIST ETA, BOTH OF WHOM ARE NOW ALLEGEDLY IN FRANCE. POLICE ALSO CLAIM THAT ETA WAS INVOLVED JOINTLY WITH THE SPANISH COMMUNIST PARTY (PCE) IN BOMBING AND THAT 17 DETAINEES WERE INVOLVED IN PROVIDING LOGISTICAL AND OTHER SUPPORT FOR THIS AND OTHER ETA ACTIVITIES.

5. POLICE ALLEGE SPECIFICALLY THAT DR. FORREST:
(A) TRAVELED TWICE TO SOUTHWESTERN FRANCE TO CONSULT WITH ETA LEADERS REGARDING BOMBING OPERATION; (B) MET TWO-PERSONS ETA COMMANDO GROUP ON THEIR ARRIVAL IN MADRID SEPT 9 AND PROVIDED THEM WITH A SECRET HIDING PLACE BUILT INTO APARTMENT OWNED BY HER AND HER HUSBAND ALFONSO SASTRE (FROM WHOM SHE IS SEPARATED;
(C) DROVE THE COMMAND AROUND MADRID ON RECONNAISSANCE MISSIONS; (D) MET THEM AGAIN AFTER THE BOMBING; AND
(E) DROVE THEM TO MADRID SUBURB OF ALCORCON WHERE THEY WERE PROVIDED WITH ANOTHER SECRET HIDING PLACE IN AN APARTMENT OWNED BY ANTONIO DURAN, WHICH HIDEAWAY THE COMMANDO ABANDONED ON SEPTEMBER 20.
POLICE ALSO CLAIM TO HAVE DISCOVERED AT LEAST NINE SECRET HIDING PLACES IN APARTMENTS OWNED AND/OR RENTED BY INTER ALIA, FALCON, SAINZ DE LA PENA, SASTRE, AND VADELL CARRERO, WHICH HIDEAWAYS (CLEVERLY CONCEALED BEHIND WALLS, UNDER FLOORS, OR ABOVE FALSE ROOFS) WERE DESIGNED TO BE USED AS EITHER "PEOPLES PRISONS" FOR PERSONS KIDNAPPED BY ETA AND POSSIBLY OTHER EXTREMIST GROUPS, OR AS HIDING PLACES FOR MILITANTS OF SUCH GROUPS. IN SOME OF THESE HIDDEN "PEOPLES PRISONS" POLICE ALSO CLAIM TO HAVE FOUND DIVERSE ARMS, AMMUNITION, EXPLOSIVES, MIMEOGRAPH MACHINES, STOLEN MILITARY AND POLICE UNIFORMS, IDENTIFICATION CARDS, ETA AND CONFIDENTIAL

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PCE PUBLICATIONS, AND OTHER PARAPHERNALIA.

7. POLICE ALSO CLAIM TO HAVE DISCOVERED INVOLVEMENT OF MEMBERS THIS SAME GROUP IN PROVIDING SUPPORT TO ETA TEAM WHICH ASSASSINATED PRESIDENT CARRERO BLANCO ON DEC 20, 1973. SPECIFICALLY THEY ALLEGE GENOVEVA FOREST AND ANTONIO DURAN WERE INVOLVED IN SUPPORTING CARRERO ASSASSINATION TEAM AND IN PROVIDING THEM MADRID HIDEOUT. CONSEQUENTLY, ON NOV 9 THIS YEAR, JUDICIAL AUTHORITIES FORMALLY INDICATED FOREST AND DURAN FOR THEIR ALLEGED INVOLVEMENT IN CARRERO'S ASSASSINATION.

8. POLICE AUTHORITIES HAVE ALSO STRESSED ALLEGED TIE-IN BETWEEN GROUP OF DETAINEES, ETA, AND PCE UNDER

LEADERSHIP OF SANTIAGO CARILLO. POLICE CLAIM MOST, IF NOT ALL, THOSE ARRESTED HAVE STRONG TIES WITH PCE OR ARE AT LEAST PCE SYMPATHIZERS, AND AUTHORITIES LAY PARTICULAR STRESS ON ALLEGED COMMUNIST PARTY MEMBERSHIP OF FOREST, SASTRE, DURAN AND FALCON. HOWEVER, IN A SEPT 29 STATEMENT IN PARIS, CARILLO, WHILE DENOUNCING ALLEGED GOS TORTURE OF DETAINEES, CATEGORICALLY STATED NONE OF THOSE DETAINED BELONGED AT PRESENT TO PCE AND THAT ATTEMPT TO LINK PCE TO BOMB BLAST AND ETA ACTIVITIES WAS GOS SMEAR TACTIC.

9. RE TORTURE ALLEGATIONS, SEVERAL DIFFERENT DEFENSE LAWYERS BELIEVE CLAIMS OF SOME DETAINEES, E.G. FOREST, FALCON, AND DURAN, THAT THEY UNDERWENT PHYSICAL AND MENTAL MALTREATMENT AT HANDS OF POLICE, PARTICULARLY DURING FIRST MONTH OF DETENTION WHEN THEY WERE HELD INCOMMUNICADO AND NOT ALLOWED TO EVEN CONSULT THEIR LAWYERS. HOWEVER, LAWYERS ADMIT THEY DON'T HAVE POSITIVE PROOF OF TORTURE AND AT LEAST ONE LAWYER TOLD EMBASSY OFFICER HIS PARTICULAR CLIENT WAS NOT TORTURED. ONE OF DEFENSE LAWYERS INVOLVED IN CASE, HOWEVER, SHOWED EMBASSY OFFICER LETTER REPORTEDLY WRITTEN BY GENOVEVA FOREST RECENTLY AND SMUGGLED OUT OF PRISON IN WHICH SHE CLAIMS THAT DURING FIRST MONTH'S DETENTION SHE WAS INTERROGATED CONFIDENTIAL

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17 TIMES AND SEVERELY MALTREATED, WITH BEATINGS, BLOWS, COLD WATER, AND THREATS AND TAUNTS DURING 16 OF THESE INTERROGATIONS. IN CASE OF FALCON, LATTER'S DETENTION HAS BEEN AGGRAVATED BY A CHRONIC ILLNESS (REPORTED VARIOUSLY AS DIABETES OR A SERIOUS LIVER AILMENT) AND REPORTEDLY SHE WAS NOT GIVEN PROPER MEDICAL CARE IN PRISON DURING HER FIRST 25 DAYS IN DETENTION, WHILE BEING HELD INCOMMUNICADO, DURING WHICH HER CONDITION WORSENERED. (HOWEVER, ACCORDING ONE OF HER LAWYERS, AFTER FINALLY RECEIVING MEDICAL CARE IN PRISON, SHE HAS BY NOW RECOVERED).

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C O N F I D E N T I A L SECTION 2 OF 2 MADRID 7980

10. ON OTHER HAND, ONE WESTERN EUROPEAN EMBASSY OFFICER CLAIMED HIS AMBASSADOR DURING RECENT ROUTINE COURTESY CALL ON MINISTER OF GOVERNMENT GARCIA HERNANDEZ; WAS CATEGORICALLY TOLD BY MINISTER THAT ALLEGATIONS OF TORTURE OF FOREST, FALCON, AND OTHERS DETAINED WERE UNTRUE. EMBASSY LEGAL ATTACHE HAS ALSO RECEIVED FIRM DENIALS OF TORTURE FROM POLICE AND CIVIL GUARD SOURCES.

11. ALL THOSE DETAINED ARE BEING CHARGED WITH TERRORISM, AND THUS WILL BE TRIED BY COURT-MARTIAL. GOVERNMENT PROSECUTOR HAS NOT YET STATED WHAT TYPES OF SENTENCES HE WILL DEMAND FOR ACCUSED, IF CONVICTED, ALTHOUGH CRIMES INVOLVING TERRORISM USUALLY INVOLVE A MINIMUM 12 YEAR SENTENCE IN SPAIN BUT CAN EVEN INCLUDE DEATH PENALTY. ONE DEFENSE LAWYER ESTIMATED SENTENCES WOULD RANGE FROM 12 TO 30 YEARS

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BUT DOUBTED ANY DEATH PENALTIES WOULD BE IMPOSED, WHEREAS ANOTHER FELT ONE OR TWO DEATH SENTENCES MAY BE LIKELY.

12. EVIDENCE GOVERNMENT WILL PRESENT AT COURT-MAR-

TIAL WILL PROBABLY INCLUDE MATERIALS (ARMS, PROPAGANDA, ETC.) FOUND IN HIDEOUTS AND FACT OF DISCOVERY SECRET "PEOPLE'S PRISONS". WHAT OTHER EVIDENCE GOVERNMENT WILL INTRODUCE TO PROVE ITS CONTENTIONS DETAINEES WERE INVOLVED IN SETP 13 BOMB EXPLOSION AND OF CONNECTIONS BETWEEN DETAINEES, ETA, AND PCE IS NOT KNOWN, ALTHOUGH DEFENSE LAWYERS BELIEVE POLICE MAY HAVE EXTRACTED CONFESSION FROM ONE OR MORE DETAINEES (WITH DR. FOREST AS MOST LIKELY PERSON) DURING INITIAL PERIOD THEY WERE HELD INCOMMUNICADO AND POSSIBLY PHYSICALLY MISTREATED.

13. RE TIMING OF COURT-MARTIAL, ONE DEFENSE LAWYER ESTIMATED EARLIEST TRIAL COULD REASONBALY BE HELD, ALLOWING MINIMUM AMOUNT OF TIME FOR COMPLETION OF NECESSARY LEGAL STEPS FOR ALL DEFENDENTS, WOULD BE MARCH OR APRIL 1975. GOVERNMENT COULD OF COURSE DELAY COURT-MARTIAL BEYOND THEN, IF IT WISHES TO WAIT FOR MOST PROPITIOUS TIMING. FEELING IS THAT GOVERNMENT LIKELY CONVOKE THIS COURT-MARITAL AT SOME POINT DURING 1975, OR EARLY 1976, AT LATEST.

14. ALTHOUGH VARIOUS DEFENSE LAWYERS INVOLVED IN CASE, ONLY TWO OF THESE LAWYERS ARE ALSO PROMINENT OPPOSITION POLITICIANS, AND THESE ARE SOCIALIST RAUL MORODO LEONCIO (PRINCIPAL LIEUTENANT OF PROFESSOR TIERNO GALVAN) WHO WILL DEFEND ALFONSO SASTRE, AND CHRISTIAN DEMOCRATIC LEDER JOAQUIN RUIZ GIMENEZ WHO WILL REPORTEDLY DEFEND ROSALIA LOPEZ PEDRET. SPANISH BAR ASSOCIATION PRESIDENT PEDROL RIUS HAS EXPRESSED INTEREST AND CONCERN IS FALCON'S CASE AND HAS VISITED HER IN JAIL, THOUGH HE WILL NOT ACT AS HER DEFENSE COUNSEL.

15. AN INTERNATIONAL PROTEST CAMPAIGN HAS ALREADY BUILT UP AROUND THIS CASE, APPARENTLY BECAUSE OF CONFIDENTIAL

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THE INTERNATIONAL PRESTIGE AND ARTISTIC STANDING OF SOME OF PERSONALTIES DETAINED, SUCH AS ALFONSO SASTRE, AND ALSO BECAUSE WOMEN DETAINED, SUCH AS FALCON AND FOREST, HAVE LONG BEEN PROMINENT IN SPANISH FEMINIST MOVEMENTS. (FALCON, WHO HAS LECTURER AT AMERICAN INSTITUTIONS AND CLUBS IN SPAIN AND SERVED ON BOARD OF AMERICAN SCHOOL BARCELONA, IS WELL KNOWN IN LOCAL AMERICAN CIRCLES.) REPORTEDLY COORDINATING THIS CAMPAIGN IS A NOTED FRENCH WOMAN LAWYER, GISELLE HALIMI, AND OTHERS INVOLVED INCLUDE WEST GERMAN PLAYWRIGHT PETER WEISS. COMMITTEES IN SUPPORT OF THOSE DETAINED

HAVE BEEN FORMED IN A NUMBER OF COUNTRIES INCLUDING UNITED STATES, AND FEMINIST GROUPS IN SEVERAL COUNTRIES HAVE REPORTEDLY RALLIED TO CAMPAIGN. UNLIKE "CARABANCHEL TEN" INTERNATIONAL CAMPAIGN ONE YEAR AGO, INTERNATIONAL COMMUNIST APPARATUS IS ALLEGEDLY NOT YET PARTICIPATING IN INTERNATIONAL CAMPAIGN BUT MAY POSSIBLY JOIN IF CAMPAIGN REALLY HEATS UP. AMNESTY INTERNATIONAL IS ALSO QUITE ACTIVE IN CASE, AND BRITISH SECTION OF AMNESTY RECENTLY SENT A FACT-FINDING MISSION TO SPAIN IN THIS CONNECTION.

16. COMMENT- WHOLE CASE STILL SURROUNDED BY GREAT DEAL OF MYSTERY. ALLEGATIONS OF TORTURE AND/OR MALTREATMENT THOUGH CONTRADICTORY, ARE WIDELY BELIEVED, BUT THEY CANNOT BE POSITIVELY PROVED AND GOES AUTHORITIES FLATLY DENY THEM. IT APPARENTLY TRUE, AT MINIMUM, THAT ALL DETAINEES WERE HELD INCOMMUNICADO IN SOLITARY CONFINEMENT FOLLOWING THEIR ARREST FOR VARYING PERIODS RANGING UP TO A MONTH OR MORE, AND THAT ON THE BASIS OF HER LAWYER'S STATEMENTS TO AN EMBASSY OFFICER, WAS SUFFERING FROM HER CHRONIC ILLNESS AND DID NOT DURING INITIAL PERIOD OF DETENTION RECEIVE PROPER MEDICAL ATTENTION. IT ALSO UNCLEAR TO WHAT EXTENT ALL THOSEDETAINED MAY HAVE BEEN INVOLVED IN SEPT 13 BOMB BLAST EPISODE. MOST DEFENSE LAWYERS TEND BELIEVE ONLY GENOVEVA FOREST, AND POSSIBLY ANTONIO DURAN, MAY HAVE BEEN DIRECTLY INVOLVED IN THAT AFFAIR AND THAT OTHERS WERE ROUNDED UP BECAUSE THEY ARE EXTREMIST FRIENDS AND ASSOCIATES OF FOREST WHO ALSO CONFIDENTIAL

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HAD BUILT ARMED HIDEAWAYS FOR POSSIBLE FUTURE USE. GOVERNMENT, HOWEVER, IS HOLDING DETAILS OF ITS CASE RATHER CLOSELY.

17. THERE ALSO EXISTS WIDESPREAD DOUBT ABOUT POSSIBLE CONNECTIONS THOSE DETAINED WITH CARILLO'S PCE OR OF PCE INVOLVEMENT IN BOMB PLOT. MOST OF THOSE DETAINED ARE EXTREMISTS WHO REPORTEDLY CONSIDER THEMSELVES MARXIST-LENINISTS, AND A COUPLE OF THEM, SUCH AS FOREST AND SASTRE, ARE KNOWN TO HAVE BEEN MEMBERS OF PCE, ALTHOUGH BOTH REPORTEDLY BROKE WITH PCE SOME YEARS AGO (ALLEGEDLY BECAUSE THEY WERE TOO EXTREMIST AND UNDISCIPLINED.) CONNECTINS WITH ETA, PARTICULARLY IN CASE OF FOREST, APPEAR MORE LIKELY, THOUGH PERSONS CLAIMING TO REPRESENT ETA HAVE ON AT LEAST TWO OCCASIONS ISSUED IN FRANCE DENIALS OF ETA'S INVOLVEMENT.

18. THIS CASE DOES HAVE POTENTIAL FOR GENERATING

A WIDESPREAD INTERNATIONAL PROTEST CAMPAIGN, AT LEAST ALONG LINES OF LAST YEAR'S "CARABANCHEL TEN" TRIAL, IF NOT OF 1970 BURGOS TRIAL. LATTER WOULD BE PARTICULARLY LIKELY WERE ANY DEATH SENTENCES TO BE METED OUT, AND INTERNATIONAL FUROR WOULD BE INTENSE IF DEATH SENTENCES (PARTICULARLY OF A WOMAN LIKE DR. FOREST) WERE ACTUALLY CARRIED OUT. MUCH WILL DEPEND ON TIMING OF COURT-MARTIAL AND ON WHETHER GOVERNMENT MIGHT IN MEANTIME BE ABLE TO DETAIN ANY OF THE PRINCIPALS MORE DIRECTLY INVOLVED IN EITHER SEPT 13 BOMBING OR CARRERO ASSASSINATION (LATTER, HOWEVER, APPEARS UNLIKELY SINCE BOTH ALLEGED CARRERO ASSASSINS AND SEPT 13 COMMANDO ARE REPORTEDLY IN FRANCE AND FRENCH GOVERNMENT CONSISTENTLY REFUSES EXTRADITION FOR POLITICAL OFFENSES). THEREFORE, GOVERNMENT, WHICH SOME SAY IS UNCOMFORTABLE OVER CASE BUT UNDER STRONG POLICE AND OTHER INTERNAL REGIME PRESSURES TO BRING SOMEONE TO JUSTICE FOR TWO ABOVE ACTIONS, MAY WELL HAVE TO DISH OUT STIFF SENTENCES TO FOREST AND COMPANY. (GOVERNMENT MIGHT ALSO RECEIVE SUBSTANTIAL SUPPORT FROM GENERAL PUBLIC IN SUCH A

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COURT-MARTIAL, SINCE BOMBING KILLED AND MAIMED INNOCENT CIVILIANS AND WAS NOT VICTIMLESS POLITICAL OFFENSE AS IN CASE OF "CARABANCHEL TEN."

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